

PATENT  
Docket No. 225.00010124IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schmidt et al. ) Group Art Unit: 3743  
)  
Serial No.: 10/695,436 ) Examiner: T. Mitchell  
Confirmation No.: 4462 )  
)  
Filed: 28 October 2003 )  
)  
For: CONTROL OF RESPIRATORY OXYGEN DELIVERY

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X Small Entity Status is entitled to be asserted in the above-identified application.

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Muetting, Raasch & Gebhardt, P.A.  
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23 September 2004  
Date

Signature: Jacquelyn K. Torborg  
Name: JACQUELYN K. TORBORG

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RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Office communication of August 23, 2004, please accept the following information.

As noted by the Examiner in her communication, claims 1-80 of the above-entitled Application have been copied from Blue et al., U.S. Patent No. 6,470,885 and Blue et al., U.S. Pat. App. 10/235,472 to provoke an interference between this Application and the mentioned publications. The Examiner has requested the Applicants to specifically apply each limitation or element of each of the copied claims to the disclosure of this Application in accordance with 37 C.F.R. sec. 1.607(a)(5).

For the Examiner's convenience, a chart, attached hereto as Appendix A, has been created, which chart lists the claims of this Application and includes cross-references or citations to the disclosure. Where an element or limitation of a claim was considered to be a part of a previous claim or a combination of previous claims, a reference is made to those previous claims instead of repeating citations already provided, in an effort to make the chart as convenient as possible for the Examiner. The Applicants expressly reserve the right to supplement or amend the guidance provided in Appendix A as may be necessary in the future.

**Response**

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In view of the enclosed information, the Applicants respectfully submit that the claims pending in this Application do form a proper basis for declaring an interference between this Application and Blue et al., U.S. Patent No. 6,470,885 and Blue et al., U.S. Pat. App. 10/235,472, and respectfully request that such a declaration be made.

If the Examiner believes that contacting the Applicants' Representatives via telephone will advance the prosecution of this case, the Examiner is invited to call the number given below.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23<sup>rd</sup> day of September, 2004, at 12:45pm (Central Time).

*Jacquelyn K. Torby*  
JACQUELYN K. TORBY

Respectfully submitted for

Schmidt et al.

By

Mueting, Raasch &amp; Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

Facsimile: (612)305-1228

Customer Number 26813

23 SEPT. 2004

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By: 

Kevin W. Raasch

Reg. No. 35,651

Direct Dial (612)305-1218